

Motion is **DENIED**. Nothing in the Court's September 29, 2017 Order or this Order precludes Defendant, however, from raising these arguments, or similar arguments, once more in light of undisputed material facts when such facts are before the Court.

It is so ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
CHIEF UNITED STATES DISTRICT JUDGE

Date: November 14, 2017.